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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/210,892      | 12/16/1998  | YOSHIAKI SHUTO       | 614.1933            | 7847             |

21171 7590 11/23/2001

STAAS & HALSEY LLP  
700 11TH STREET, NW  
SUITE 500  
WASHINGTON, DC 20001

EXAMINER

WASYLCHAK, STEVEN R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2165

DATE MAILED: 11/23/2001

10

Please find below and/or attached an Office communication concerning this application or proceeding.

T.R

# Office Action Summary

|                                     |                               |  |
|-------------------------------------|-------------------------------|--|
| Application No.<br><b>09/210892</b> | Applicant(s)<br><b>SHUTO</b>  |  |
| Examiner<br><b>WASYLCHAK</b>        | Group Art Unit<br><b>2164</b> |  |

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on 12/16/98
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-16 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-16 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☒ received in Application No. (Series Code/Serial Number) 09/210892
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Prior rejections of all claims remain.
3. As to the Once Amended claims 1, 9, 12 and 16: they are rejected under 35 U.S.C. 102(b) as being anticipated by Srinivasan (US 5548506)

As per once amended claim 1,

A method of constructing a software system [by collecting information and know-how], comprising the steps of:

- storing an information [including] about development situations, know-how, and knowledge in a solution bank by a unit of a solution pattern the information including software components of a default software system; and / abstract, L 11-12; fig 1(10,20); fig 2-9; col 7, L 13-20 (default)
- obtaining contents, including the software components of the default software system corresponding to a desired software system so as to construct the desired software system by accessing the solution bank from a computer in which the desired software system is to be constructed. / fig 1 (50,60); fig 10

As per once amended claim 9,

A system for constructing a software system [by collecting information and know-how], comprising:

a solution bank [including:] comprising

-content storing means for storing a n information [including] about development situations, know-how, and knowledge by a unit of a solution pattern, that information including software components of a default software system; and

solution-pattern providing means for providing the information stored in [said] the content storing means a s a solution pattern or a portion of the solution pattern in

response to a request; and a system-construction device which obtains contents,

including the software components of the default software system corresponding to a

desired software system from [said] the solution bank so as to construct the desired

software system by accessing[said] the solution bank. / all the above refers to reference

under once amended claim 1 above

As per claim 12,

The system as claimed in claim 11, wherein said accessing means accesses said

solution bank based on information including a solution pattern, a machine being used,

a product being used, and said solution-pattern providing means supplies an application

environment of a default system from said solution bank to said system construction

device. / fig 2(60); col 3, L 60-64; col 7, L 13-20 (default)

As per claim 16,

A machine-readable memory medium having a program embodied therein for constructing a software system [by collecting information and know-how, said], the program comprising:

- a solution-pattern providing program [-code device configured to cause] with a solution bank, which stores an information [including] about development situations, know-how, and knowledge by a unit of a solution pattern, the information including software components of a default software system to provide the information as a solution pattern or a portion of the solution pattern in response to a request; and / abstract, L 11-12; fig 1 (10, 20); fig 2-9; col 7, L 13-20 (default)
- a system-construction program[-code device configured to cause] with a system construction device [to obtain] that obtains contents, including the software components of the default software system, corresponding to a desired software system from the solution bank so as to construct the desired software system by accessing the solution bank. / fig 1 (50,60); fig 10; col 7, L 13-20 (default)

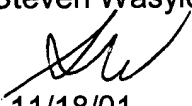
This action is NON-FINAL. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.


Art Unit: 2164

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 2164 is (703) 308-1396.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Steven Wasylchak

  
11/18/01

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
AU 2164